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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,883	01/16/2004	Myong Gi Kim	8749-90787	6978
24628	7590	12/14/2004	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			NGUYEN, STEVEN H D	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,883

Applicant(s)

KIM ET AL.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13, 22-34 and 43-49 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 14-21 and 35-42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the figures 16-17 are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

2. Claim 43 objected to because of the following informalities: As claim 43, line 8, “,” must be inserted into the end of sentence. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-4, 22-25 and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clisham (US 2004/0119814) in view of Bar (USP 6122665).

Regarding claims 1, 22 and 43, Clisham discloses (Figs 1-15 and Sec 1- 232) an apparatus for exchanging audio/visual information between a caller (Fig 2, Ref 202a) and a called party (Fig 2, Ref 202b) through the Internet (Fig 2, Ref 210), such apparatus comprising a session controller (Fig 2, Ref 242, See Fig 3) adapted to set up a session link between the caller and called party using a tunneled real time control protocol; an audio and video card (Fig 2, 202 includes audio and video capture card) for collecting audio and video information from the caller and called party; a capture application adapted to form the audio and video portions into data objects (Fig 32, Ref 222 and 232); a packetizing application (Fig 2, Ref 224 and 234) and a transport application adapted to exchange the formed audio and video data objects as real time packets using a transport control protocol between the caller and called party through the session link (See page 8, sec 84-85). However, Clisham fails to disclose a packetizing application adapted to attach a time stamp to each formed data object. In the same field of endeavor, Bar discloses (Figs 1-7 and col. 1, lines 5 to col. 15, lines 43) a system for exchanging audio/video between the parties including a packetizing application for attaching a time stamp (See col. 8, lines 56-65).

Since, Clisham suggests the use of UDP, RTP and TCP for carrying the video and audio data wherein the UDP and RTP header includes a time stamp field. Therefore, it would have

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been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for generating a time stamp for inserting into these field as disclosed by Bar's system into Clisham's system. The motivation would have been to provide a proper timing to the packet and reconstruct the video and audio packets.

Regarding claims 2, 23 and 44, Clisham discloses a server (Fig 3, Ref 304) adapted to set up the session link using the transport control protocol.

Regarding claims 3, 24 and 45, Clisham discloses an authentication application adapted to authenticate an identity of the caller using a server authentication program (Fig 3, Ref 310).

Regarding claim 4 and 25, Clisham discloses receiving video frame information via a video capture card and substantially simultaneously receiving audio information via an audio input, both residing on a personal computer of respective caller and called party (Fig 2, Ref 202a).

Claim Rejections - 35 USC § 103

6. Claims 5-13, 26-34 and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clisham and Bar as applied to claims 1, 22 and 43 above, and further in view of Zou (USP 6760772).

Regarding claim 5-7, 26-28 and 46-48, Clisham and Bar fail to disclose audio and video codecs for incorporating capture characteristics of the audio such at lease one of the group consisting of sample rate, bit length of each sample, and a channel number and video information including at least one of the group consisting of x position, y position and color space. However,

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Bar discloses a synch buffer for ordering each packet received by the caller and called party based upon timestamp and then by smallest relative sequence number (See col. 8, lines 56-65).

In the same field of endeavor, Zou discloses a video and audio packets including the characteristic information sample rate, bit length of each sample, and a channel number and video information including at least one of the group consisting of x position, y position and color space (Figs 10 and 11 discloses x and y position and color and Fig 13 discloses channel ID, sample rate).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for incorporating the characteristic information of video and audio into a packet as disclosed by Zou's method and system into the system of Bar and Clisham. The motivation would have been to improve a throughput and obtain the high quality signal between the devices.

Regarding claim 49, Clisham and Zou fail to disclose the time stamp order at the receiver. However, in the same field of endeavor, Bar discloses a synch buffer for ordering each packet received by the caller and called party based upon timestamp and then by smallest relative sequence number (See col. 8, lines 56-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for ordering the packets based on time stamp in order to reconstruct the video and audio as disclosed by Bar's system into the system of Clisham and Zou. The motivation would have been to obtain a synchronized signal in order to restructure them.

Regarding claim 8-13 and 29-34, Clisham discloses sending a access request from the caller to the called party under the tunneled real time protocol (Fig 3) and the caller and called

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party transmitting and receiving audio and video information (Fig 2, Ref 202a and b exchanges information) and Bar ordering each packet received by the caller and called party

based upon timestamp and then by smallest relative sequence number and processing the first packet after sorting the packets according to the assigned time stamp (Col. 8, lines 48-65).

However, Clisham, Zou and Bar fail to disclose re-sampling the audio and video information to obtain packets of a predetermined data format; partitioning the packets into smaller data packets.

However, the examiner take an official notice that a method and system for resampling the video and audio signal and segmenting the packets are well known and expected in the art at the time of invention was made in order to obtain the desired format or synchronizing the audio and video signal and segmenting the packets into a smaller packet based on the allowable maximum transmitting packet size of the network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply these method and system into the system of Clisham, Zou and Bar. The motivation would have been to synchronize the signals.

Allowable Subject Matter

7. Claims 14-21 and 35-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shaffer (USP 6731734) discloses a system and method for exchanging a video and audio data between the users.

Hales (USP 6288739) discloses a system and method for establishing a path between the users for exchanging video and audio signals.

Koo (US 20010032270) discloses a method and system for establishing a path between the users for exchanging video and audio signals and initiating a video call with RTP and RTCP.

Agrawal (USP 6788660) discloses a method and system for establishing a path between the users for exchanging video and audio signals and initiating a video call with RTP and RTCP.

Furukawa (US 2002/0071434) discloses a system and method for exchanging a video and audio data.

Lor (USP 6201562) discloses a system and method for establishing a path between the users for exchanging video and audio signals.

Roy (USP 6081513) discloses a system and method for providing a video conferencing.

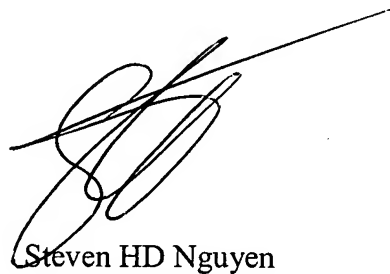
Kato (USP 6646674) discloses a system and method for establishing a path between the users for exchanging video and audio signals.

Jang (US 20010043571) discloses a system and method for establishing a path between the users for exchanging video and audio signals.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'SHN', with a long horizontal line extending from the top right.

Steven HD Nguyen
Primary Examiner
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12/9/04